

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

June 25, 2007

DIVISION ONE

B187334 People (Not for Publication)
v.
Larios

The judgment is affirmed.

Jackson, J. (Assigned)

We concur: Vogel (Miriam A.), Acting P.J.
Rothschild, J.

[illegible]

The judgment is affirmed.

Spencer, P.J.

We concur: Mallano, J.
 Rothschild, J.

DIVISION ONE (continued)

B192225 Hakimpour (Not for Publication)

v.

Andraos Capital Management Inc.

The judgment of dismissal is reversed. The trial court is directed to vacate its order sustaining ACM's demurrer without leave to amend and to enter a new order granting Hakimpour leave to amend his first amended cross-complaint. Hakimpour is awarded costs on appeal.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
 Jackson, J. (Assigned)

B191586 Michael Allahverdi (Not for Publication)

B194739 v.

Seroj Asadourian

The motions to dismiss the appeals from the May 23, 2006 order and the October 24, 2006 order are denied. The orders are vacated. The matter is remanded to the probate court with directions to hold an evidentiary hearing on the applicability of section 21307 to the contest to the 2005 will and the contest to the first amendment to the trust by determining whether Michael drafted or transcribed these documents and whether Seroj had probable cause to file his will and trust contests. Thereafter, the probate court is to hold any further proceedings it deems necessary. The parties are to bear their own costs on appeal.

Jackson, J. (Assigned)

We concur: Vogel (Miriam A.), Acting P.J.
 Rothschild, J.

June 25, 2007 (Continued)

DIVISION ONE (continued)

B181875 Apec Thrapeutic Care, Inc., et al. (Not for Publication)
v.
Factor Health Management, LLC., et al.

During the pendency of this appeal, the parties engaged in settlement negotiations. On May 31, 2007, they filed a stipulation for dismissal of the appeal. Pursuant to this stipulation, the appeal is dismissed. The parties are to bear their own fees and costs. The remittitur is to be issued forthwith.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Mallano, J.

DIVISION TWO

B191244 People (Not for Publication)
v.
Scott

The judgment is modified to grant defendant 37 days of presentence conduct credit. As modified, the judgment is affirmed. The superior court shall direct its clerk to amend the abstract of judgment to state the modified judgment, i.e., that defendant is entitled to 37 days of presentence conduct credit. The superior court shall send the amended abstract of judgment to the Department of Corrections and Rehabilitation.

Chavez, J.

We concur: Boren, P.J.
 Doi Todd, J.

DIVISION TWO (continued)

B185778 Hild (Not for Publication)

v.
Southern California Edison Co.

The judgment is reversed. Appellant(s) to recover costs.

Boren, P.J.

We concur: Ashmann-Gerst, J.
Chavez, J.

B192202 People (Not for Publication)

v.
Castro

The judgment is reversed as to count r, counterfeiting a California seal.
The concurrent sentence on Count 5 is stayed. In all other respects, the
judgment is affirmed.

Boren, P.J.

We concur: Ashmann-Gerst, J.
Chavez, J.

B192295 People (Not for Publication)

v.
Enrique R.

The Court:

The order under review is affirmed.

Boren, P.J., Ashmann-Gerst, J., Chavez, J.

DIVISION THREE

B191272 Jonathan Delgado (Certified for Publication)

v.

Interinsurance Exchange of the Automobile Club of Southern California

The judgment of dismissal is reversed. The matter is remanded with directions to conduct further proceedings not inconsistent with the views expressed herein. Delgado shall recover his costs on appeal

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

B189158 Frontier Oil Corp., et al.

v.

RLI Insurance Co.

Filed order vacating submission order of March 13, 2007. Due to the press of other court business and the complexity of the issues in this case, additional time is needed to complete and file the opinion in this matter. The matter stands submitted as of this date.

DIVISION FOUR

B192063 People (Not for Publication)

v.

Aguilar

The judgment is affirmed.

Epstein, P.J.

We concur: Willhite, J.
Manella, J.

DIVISION FOUR (continued)

B189238 Parry (Not for Publication)

v.
Conner

The judgment is affirmed. Costs on appeal are awarded to respondent, Rica P. Conner.

Willhite, J.

We concur: Epstein, P.J.
Suzukawa, J.

B191714 Watts (Not for Publication)

v.
Pacific Window Products, Inc.

The orders appealed from are affirmed. Pacific is to recover its costs on appeal.

Suzukawa, J.

We concur: Willhite, Acting P.J.
Manella, J.

B188578 People (Not for Publication)

v.
Stallings et al.

The judgments of conviction are affirmed.

Epstein, P.J.

We concur: Willhite, J.
Manella, J.

DIVISION FOUR (continued)

B193619 Barboza, et al. (Not for Publication)
 v.
 West Coast Digital GSM, Inc.

The portion of the order awarding attorney fees to plaintiffs that disallows \$16, 807 in fees for trial and trial preparatino is reversed and the trial court is directed to amend the attorney fee award to include those fees. Plaintiffs shall recover their costs on appeal.

Willhite, J.

We concur: Epstein, P.J.
 Manella, J.

DIVISION FIVE

B187991 Conrad Janis, et al., (Not for Publication)
 v.
 Gorry, Meyer & Rudd et al.,

Summary judgment in favor of defendants and against plaintiffs on the first amended complaint is reversed. Judgment in favor of defendants and against plaintiff on the cross-complaint is affirmed. The parties shall bear their own costs on appeal.

Kriegler, J.

We concur: Turner, P.J.
 Armstrong, J.

DIVISION FIVE (continued)

B190026 Ramon Aguilar (Not for Publication)
 v.
 Gilberto Millot

The judgment is affirmed. Aguilar is to recover his costs on appeal.

Kriegler, J.

We concur: Turner, P.J.
 Mosk, J.

B191737 People (Not for Publication)
 v.
 Frank Clarence Miller

The judgment is affirmed.

Kriegler, J.

We concur: Turner, P.J.
 Armstrong, J.

B192590 Ann Burns and Mitchell Weiss, as Trustee, etc., (Not for Publication)
 v.
 California Fair Plan et al.

The judgment is affirmed. California Fair Plan and Clarendon National Insurance Company are awarded their costs on appeal.

Kriegler, J.

We concur: Turner, P.J.
 Armstrong, J.

DIVISION FIVE (continued)

B192812 People (Not for Publication)

V.

John Michael Labrecque

The judgment is modified to reflect a presentence custody credit of 277 days, consisting of 185 days of actual custody, and 92 days of conduct credit. The fines are modified as discussed in the body of this opinion. The superior court clerk shall prepare and deliver to the Department of Corrections and Rehabilitation an amended abstract of judgment that sets forth the foregoing custody credit and fines. The trial court shall personally supervise the preparation of the corrected abstract of judgment.

Turner, P.J.

I concur: Armstrong, J.

I concur: Kriegler, J. (opinion)

B188077 John McDonald, et al.

V.

Antelope Valley Community College District

Filed order modifying opinion. (No change in the judgment)

B188077 John McDonald et al.,

V.

Antelope Valley Community College District

Filed order denying petition for rehearing.

June 25, 2007 (Continued)

DIVISION SIX

B194030 People (Not for Publication)
v.
Abdelfattah

The order is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

[illegible]

The judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

B190585 People
v.
Ramirez

Filed order denying petition for rehearing

DIVISION SEVEN

B184871 County of Los Angeles (Certified for Publication)

v.

American Contractors Indemnity Co.

The judgment for the County and the order denying American's motion to vacate the forfeiture and exonerate bail are reversed and the cause is remanded and the cause is remanded to the trial court with directions to deny the County's motion for summary judgment and grant American's motion to vacate the forfeiture and exonerate the bond on terms that are just and do not exceed the terms imposed in similar situations with respect to other forms of pretrial release. Appellant is awarded its costs on appeal.

Johnson, J.

We concur: Perluss, P.J.

Zelon, J.

B190650 People (Not for Publication)

v.

Macklin et al.,

The convictions are affirmed. Sawyer's sentence on count 3 is vacated and the cause is remanded to the trial court with directions to conduct a new sentencing hearing and to sentence Sawyer on count 3 in accordance with the law.

Johnson, J.

We concur: Perluss, P.J.

Zelon, J.

DIVISION SEVEN (continued)

B192538 People (Not for Publication)
v.
Rodriguez

The judgment is affirmed.

Johnson, J.

We concur: Perluss, P.J.
Woods, J.

B187907 In re Mario Chen on Habeas Corpus (Not for Publication)

The judgment is vacated and the matter is remanded to the trial court for further proceedings in accordance with the law.

Johnson, J.

We concur: Perluss, P.J.
Woods, J.

B191259 Serra Canyon Property (Not for Publication)
v.
California Coastal Commission
City of Malibu et al.,

The judgment is modified to delete all references to the Coastal Commission, including the cease and desist order and the order requiring it to pay Serra Canyon Property Owners Association's costs. As so modified, the judgment is affirmed. Each party is to bear its own costs on appeal.

Johnson, J.

We concur: Perluss, P.J.
Woods, J.

DIVISION EIGHT

B188241 Bradstreet (Not for Publication)

v.

Bradstreet et al.

Conservatorship of the Person and Estate of Winfred M. Bradstreet.

The orders are affirmed. Mariellen Ross is to recover her costs on appeal.

Boland, J.

We concur: Cooper, P.J.

Rubin, J.

B191826 People (Not for Publication)

v.

Douglas

The judgment is reversed and the cause remanded with directions to permit appellant to withdraw his plea of no contest.

Boland, J.

We concur: Cooper, P.J.

Rubin, J.

B190663 People (Not for Publication)

v.

Henning

The judgment is affirmed.

Boland, J.

We concur: Cooper, P.J.

Rubin, J.

June 25, 2007 (Continued)

DIVISION EIGHT (continued)

B188641 People (Not for Publication)

V. Childs

The judgment is affirmed.

Rubin, J.

We concur: Cooper, P.J.
Boland, J.

B187386 Gallanis-Politis,

V.
Medina et al.,

Filed order certifying opinion for publication.